

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, MARCH 20, 2018
4:30 P.M.**

The Murray Planning Commission met in regular session on Tuesday, February 20, 2018 at 4:30 p.m. in the council chambers of City Hall at 500 Main Street.

Commissioners Present: John Krieb, Loretta Jobs, Martin Milkman, Tom Kind, Jordan Smith and Jim Foster

Commissioners Absent: Bobby Deitz, Marc Peebles and Robin Zhang

Also Present: Gerald Gilbert, Maurice Thomas, Attorney David Perlow and Hugo Hernandez

Chairman Tom Kind called the meeting to order and asked Maurice Thomas to call the roll. Chairman Kind then asked for a motion to approve the minutes from the February 20, 2018 regular meeting.

A motion was made by Martin Milkman to approve the minutes from the February 20, 2017 Planning Commission regular meeting as presented. The motion was seconded by John Krieb. The motion carried unanimously.

Public Hearing: Consideration of a Conditional Use Permit to operate a restaurant at 117 South 12th Street - Applicant: Mi Pueblo – Hugo Hernandez: The applicant is seeking to add a restaurant to his existing grocery store at the northeast corner of South 12th and Poplar Streets. This property is located in a B-4 (Medium Density Business District) zone. Commercial retail (grocery store) is a permitted use; however, restaurants require a Conditional Use Permit. Mi Pueblo is located in the 1,350 square foot single story building which previously housed Domino's restaurant. 12th Street is considered the primary commercial corridor of the city. The surrounding area is made up of a variety of eating establishments, professional services, and retail shops. The addition of a restaurant to the existing commercial operation will capitalize on the passerby trips that currently occur in the corridor. Mr. Gilbert showed the lot map, site plan and floor plan for the project. Parking required for the restaurant is eight spaces. Much of the site is paved and there are currently six striped parking spaces with ample space for the two additional spaces that are required. There is one entrance off 12th Street and one off Poplar. The Planning Commission should decide if the use is compatible with the surrounding area. Based on the facts presented, Staff believes that the location of the proposed restaurant is compatible with that of the surrounding area and recommends approval of the Conditional Use Permit.

Chairman Kind opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the request.

Hugo Hernandez came forward and was sworn in. Mr. Hernandez asked the Commissioners for help to try to improve his business from its current status by allowing him to have a restaurant. He explained that the majority of the business was generated from migrant workers who come to

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Murray to live during the summer months. Business slows during the winter and he feels that he can improve his situation by adding a restaurant. There is currently seating available in the grocery and that arrangement will not change. The grocery serves tacos now and Mr. Hernandez explained that these sales were within the guidelines of his permit. The menu will be expanded if they are granted the Conditional Use Permit.

No one spoke in opposition; therefore, the public hearing was closed. The item was turned over to the Commissioners for a motion.

John Krieb made a motion to find the request compatible with the area that it is in and to forward the item on to the BZA for their consideration. Jim Foster seconded the motion and the motion carried with a 5-0 roll call vote.

Public Hearing - Amendment to SECTION III SPECIAL REGULATIONS ARTICLE 1 SIGN REGULATIONS to allow electronic reader boards in residential zones for churches, civic and institutional uses: This item was discussed at the previous month's meeting and since that time changes have been drafted. A Power Point presentation was used to show the proposed changes and additions to the Ordinance. Mr. Gilbert explained that there seemed to be higher demands for reader boards since the initial prices have come down. As required by **§156.060 APPLICATION FOR ZONING MAP AND TEXT AMENDMENTS** the Commission reviewed the proposed text amendments and the following changes are proposed:

B. SIGNS FOR R-1, R-2, R-3, R-3A, R-4 AND R-5 ZONES

- (9) Electronic reader boards may be allowed on a lot occupied by a permitted church with approval of a Conditional Use Permit by the Board of Zoning Adjustments. Electronic reader boards are subject to the following criteria:
- a) One (1) electronic reader board is permitted onsite and can be incorporated into a freestanding sign or wall sign. The size of the electronic reader board shall not exceed 30% of the allowable sign area. The overall sign face including the electronic reader board shall not exceed 32 square feet in size.
 - b) The sign area allowed for an electronic reader board is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
 - c) A single message or segment of a message shall have a display time of at least two (2) seconds including the time needed to move the message onto the sign board, with all segments of the total message to be displayed within ten (10) seconds.
 - d) A message consisting of one (1) segment may remain on the signboard any amount of time in excess of two (2) seconds. An electronic sign requiring more than four (4) seconds to change from one (1) single message to another shall be turned off during the change interval.
 - e) A display traveling horizontally across the signboard shall move between sixteen (16) and thirty-two (32) light columns per second. A display may scroll onto the signboard but shall hold for two (2) seconds including the scrolling time.

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- f) A display shall not include an art animation or graphic that portrays motion, except for movement of a graphic onto or off of the signboard.
- g) Electronic reader boards may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the Conditional Use Permit.

There were concerns and much discussion amongst the Commissioners. Chairman Kind then opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the proposed text. There was no one that came forward to speak; therefore, the public hearing was closed and the item turned over to the Commissioners for a motion.

John Krieb made a motion to approve the proposed testimony with regards to reader boards in residential areas for churches with the text as it was written with the exception of modifying the time frame from 7:00 a.m. until 7:30 p.m. Martin Milkman seconded the motion and the motion carried with a 4-1 roll call vote. *Jim Foster voted no.*

Final Plat review of the Planned Development Project for a proposed office park located approximately 550.85 feet east of Highway 94 West and Robertson Road. City West Office Park-Applicant: North - City West LLC - Matt Jennings: The applicant has provided the necessary information for the Commission to take action on the Final PDP Plat. The Final PDP Plat is consistent with the approved Revised Preliminary PDP Plat. Final covenants and restrictions will be recorded as part of the Final PDP Plat as well as the approved PDP Plan Text before building permits will be issued for development on any of the lots. Staff recommends that the Commission approve the Final PDP Plat based on these facts.

Jim Foster made a motion to approve the Final PDP Plat request. The testimony presented in this public hearing has shown that the Final PDP Plat meets the requirements for Final PDP Plat approval. The Final PDP Plat is consistent with the approved Preliminary PDP Plat and the final CC&R's and approved PDP Plan Text will be recorded as part of the Final PDP Plat. Loretta Jobs seconded the motion and the motion carried with a 5-0 roll call vote. *Loretta Jobs left the meeting at 5:16 p.m.*

Questions and Comments: Chairman Kind reminded the Commissioners of the continuing education the next day. He added that if any of the Commissioners had an item of interest for continuing education, they could mention it to Mr. Gilbert or any of the Planning Staff. Chairman Kind feels that a presenter would be glad to come to Murray where there is a new and nicer facility available for continuing educations to be held.

Jim Foster made a motion to adjourn. The meeting was adjourned at 5:26 p.m.

Chairman, Tom Kind

Recording Secretary, Reta Gray

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